

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY eg D.C.

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PAUL FARNSWORTH a/k/a  
RONNIE BRADFELD,

Plaintiff,

vs.

EDWARD BAXTER, et al.,

Defendants.

X  
X  
X  
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X  
X  
X  
X  
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X  
X

No. 03-2950-B/V

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

ORDER DENYING MOTION FOR RECONSIDERATION

On September 10, 2004, plaintiff Paul Farnsworth, a/k/a Ronnie Bradfield, Tennessee Department of Correction ("TDOC") prisoner number 219625, who was, at the time he commenced this action, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a motion, styled "Motion for Temporary Restraining Order and/or Preliminary Injunction," accompanied by a factual affidavit and the same legal memorandum that was previously filed on May 10, 2004 and June 21, 2004.<sup>1</sup> The defendant filed a

<sup>1</sup> The Court denied the plaintiff's first two applications for preliminary injunctive relief in its August 2, 2004 order, which stated as follows:

Plaintiff's motion for a preliminary injunction also complains about failures to provide special meals and diets that are required by his religion; confiscation of his kippah, a head covering; and an unspecified deprivation of other religious articles. These allegations were not set forth in the complaint or any of its amendments, and there is no indication that the plaintiff has filed a grievance concerning any of these matters. In addition, the complaint does not seek injunctive relief with respect to the alleged deprivation of the plaintiff's right to practice his religion. For all these reasons, the motions for a preliminary injunction or a temporary restraining order are DENIED.

08/02/04 Order at 7 n.5.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 8-3-05

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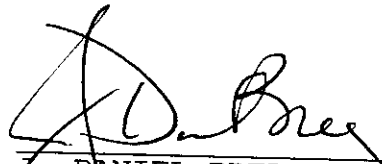
response to the motion on October 12, 2004. Plaintiff filed a reply on October 22, 2004, which the Court considered despite the plaintiff's failure to request leave to do so. The Court issued an order denying the motion. Plaintiff filed a motion for reconsideration on March 17, 2005. Defendant has not responded to this motion, and the time for a response has expired.

The plaintiff first asserts that any request for injunctive relief is not moot despite his transfer to another prison. The plaintiff relies on the Second Circuit's decision in Patrick v. LeFevre, 745 F.2d 153, 156 n.2 (2d Cir. 1984), which holds that a prisoner's transfer to another prison does not render his case moot where he seeks monetary relief. Patrick does not address the effect of an inmate's transfer on his claims for injunctive relief. For the reasons stated in the February 10, 2005 order, plaintiff's transfer rendered any such claims moot.

The February 10, 2005 order also noted that the complaint does not seek injunctive relief. The documents submitted by this plaintiff, which pertain to medical claims that are not currently before the Court, have no bearing on whether the complaint seeks injunctive relief with respect to the First Amendment claim.

The motion for reconsideration is DENIED.

IT IS SO ORDERED this 1<sup>st</sup> day of August, 2005.

  
J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



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Honorable J. Breen  
US DISTRICT COURT